



DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED

MAY 12 2004

FCC - MAILROOM

Charlie Ellis  
Director of Technology  
2300 Chaney Road  
Dubuque, Iowa 52001  
563 588 5148  
Fax 563 588 5124  
cellis@dubuque.k12.ia.us  
www.dubuque.k12.ia.us

07 May 2004

Letter of Appeal  
Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20554

CC Docket No. 02-6

Dear FCC:

The Dubuque Community School District, in Dubuque, Iowa, is requesting an appeal for a Year 5 E-rate funding problem. We have received a decision on this appeal from the SLD and it was "Denied Fully."

The pertinent identifying and background Information:

- Billed Entity #: 132448
- Name of Billed Entity: Dubuque Comm School District
- SPIN #: 143005231 (US West Communications, Inc./QWEST)
- Year 5 Applicant's Form 486 Identifier: 486200203
- Year 5 Applicant's Form 471 Identifier: 471200203
- Year 5 Applicant's Form 472 Identifier: 4720203-132448
- Services Ordered: Telecommunications Services
- Year 5 471 Funding Application #: 327890
- Year 5 FRN #s: 881112, 881113, 881114

The primary reason we are appealing with the FCC, after being denied an appeal from the SLD, is to point out that in the event one or several communications between our district and the SLD would have occurred during the time frame in question, the district contact person was either released from his duties or failed to share the information with other district employees so that the proper actions could take place (see details below).

Except for Year 1 of the E-rate process, (in Year 1 we sought, but were denied, the funding for Internal Connections) the Dubuque Community School District has applied for discounts in three areas only, (1) Centrex Plus, (2) T-1 monthly leased lines, and (3) a DS3 monthly leased line. Because of this, our application process was and is pretty straight-forward. Our school district recognizes that it is our responsibility to complete the E-rate application process correctly and to meet all deadlines in a timely manner. However, for Year 5 we failed to submit a Form 486 in time to meet the deadline. We became aware of this when we were in the process of completing our Form 486 for Year 6. We quickly submitted a Form 486 for Year 5 that was received by the SLD on September 26, 2003.

No. of Copies rec'd 0  
List ABCDE

This is the focal point of our FCC appeal. In our school district of 10,000 students, I am responsible for filing Forms 470 and 471. In Year 5, our Business and Finance Assistant Director, Ron Goerdt, was supposed to file Form 486 in time to meet your deadline. He did not do this. It may or may not have been intentional. Ron was in line for a promotion he did not receive and left the district as a disgruntled former employee. We received our Funding Commitment Decision Letter on April 24, 2002. Ron interviewed for a promotion shortly after that. He did not receive the promotion and left the district on July 9, 2002, without filing our Form 486. While completing the Form 486 process for Year 6, Kevin Kelleher, the newly appointed Business and Finance Assistant Director, noticed that the Year 5 Form 486 was not submitted. It was then that we submitted the Form 486 for Year 5, several months late.

Needless to say, we were very disappointed when we received notice that our Form 486 Notification Letter showed a total adjusted funding commitment of \$16,843.19. This is well below our Form 472 BEAR Form figure of \$92,186.10. The district had budgeted \$92,000 for E-rate funds this year and combining the State of Iowa's mandated 2.5% cut in financing, along with the decrease in E-rate funds, it is creating a very difficult financial situation for us.

Our appeal simply put: due to the above unusual circumstances, can you reverse the SLD decision to "fully deny" the appeal in question and approve the amount indicated in our BEAR form (\$92,186.10), rather than the adjusted funding commitment found in our Form 486 Notification Letter (\$16,843.19)? We have communicated our concerns to QWEST, our vendor, and they are in support of our appeal. QWEST believes waiving the "Form 486 missed deadline" is justifiable, because the district has already partially paid for these funds through the surcharge on our QWEST bills.

I should also add that we have always, since the inception of the E-rate program, used our discount funds for delivering technology solutions to our students. Network infrastructure and maintenance is the category we have set aside for spending E-rate money. If we are not afforded this appeal, direct educational opportunities for our students will be compromised. I feel this is an important fact for you to consider. Our district is not taking E-rate money and spending it on things distanced from our educational mission. Providing a network for our students, along with Internet access to every desktop in the district, is at the heart of our E-rate efforts.

Because the E-rate program is under extreme scrutiny should not automatically trigger a slew of appeal denials, that on the surface, appear to be resting on a technicality. We ask that each appeal request be judged on its own merits and are confident that our request is based on a unique set of circumstances that were unfortunate, yet unavoidable, given the actions of our former disgruntled employee. The fact that our district has been a good steward of past E-rate funds should be taken as a positive regarding this request.

Our district looks forward to your response and stands ready to provide you with any additional information you might request. If it is easier to communicate initially by e-mail, my address is cellis@dubuque.k12.ia.us. If you need to call, my direct line is 563-588-5148.

We support the efforts of the FCC and appreciate the past funding we have received from the E-rate program. We recognize that the real benefit of the program is providing technology to our students in the Dubuque Community School District during these very troubling financial times.

Cordially,

A handwritten signature in black ink that reads "Charles J. Ellis". The signature is written in a cursive, flowing style.

Charles J. Ellis  
Director of Instructional Technology  
Dubuque Community School District

Enclosed:

- Year 1 Funding Commitment Report
- Year 2 Funding Commitment Report
- Year 3 Funding Commitment Report
- Year 4 Funding Commitment Report
- Year 3 denial postcard for a properly filed Form 471
- Year 3 Form 471 filed with our applicant identifier number 2000-2001471TJ
- Year 3 Form 486



Universal Service Administrative Company  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**

(Funding Year 2002: 07/01/2002 - 06/30/2003)

April 24, 2002

DUBUQUE COMM SCHOOL DISTRICT  
CHARLIE ELLIS  
2300 CHANEY ROAD  
DUBUQUE, IA 52001-3095

Re: Form 471 Application Number: 327890  
Funding Year 2002: 07/01/2002 - 06/30/2003  
Billed Entity Number: 132448

Thank you for your Funding Year 2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

**NEXT STEPS**

**FILE FORM 486.** Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that your technology plan(s) has been approved by an SLD certified Technology Plan Approver. The Form 486 and instructions and the list of SLD certified Technology Plan Approvers can be found on the SLD web site at <[www.sl.universalservice.org](http://www.sl.universalservice.org)> or you can call the SLD Client Service Bureau at 1-888-203-8100 and ask that the form be sent to you. The Form 486 dated July, 2001 in the lower right corner MUST be used for Funding Year 2002 and for any previous funding years. Submissions of earlier versions of the Form 486 will be returned to you and will not be able to be processed. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can process invoices for services that have been provided to you.

**DEADLINE FOR FORM 486.** Form 486 must be postmarked within 120 days of the Service Start Date featured on the Form 486 or within 120 days of the date of the Funding Commitment Decision Letter, whichever is later. If the Form 486 is postmarked after the later of those two dates, the date 120 days before the Form 486 postmark date will become the start date for discounted services. If the service start date is moved, your funding commitment may be reduced. You are advised to keep proof of the date of mailing of your form(s).

**REVIEW CIPA REQUIREMENTS.** On December 21, 2000, the Children's Internet Protection Act (CIPA) was signed into law. That law requires schools and libraries that receive Universal Service discounts for certain services to adopt an Internet safety policy incorporating the use of filtering or blocking technology on computers with Internet access as a condition of receiving those discounts. Funding Year 2002 may be the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486. (Funding Year 2002 is the Second Funding Year for purposes of CIPA for a school or library if a Form 486 for internet access or internal connections was successfully data entered for Funding Year 2001. See the section of the Form 486 Instructions entitled "Impact of CIPA Requirements on Form 486" for more information on First, Second and Third Funding Years.) If Funding Year 2002 is the Second Funding Year for purposes of CIPA for one or more schools and/or libraries represented on your Form 486, those school(s) and/or library(ies) must certify that they are in compliance with CIPA unless state or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required. A school or library so prevented may request a waiver for Funding Year 2002. Certification(s) for purposes of CIPA and CIPA waiver request(s) must be made on the Form 486 or the Form 479, whichever is appropriate. See the Form 486 Instructions and the Form 479 Instructions for more information. You may also refer to the SLD web site at <www.sl.universalservice.org> or call the Client Service Bureau at 1-888-203-8100 for more information about Form 486, Form 479, and the requirements of CIPA.

**FILE FORM 472 (APPLICANT) or FORM 474 (SERVICE PROVIDER).** After a Form 486 has been properly filed, the SLD must receive an invoice from either the applicant or the service provider in order to make payments for approved discounts on eligible services. Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, is filed by the applicant; Form 474, Service Provider Invoice Form, is filed by the service provider.

**NEW DEADLINES FOR INVOICES.** Invoices must be postmarked within 90 days of the last date to receive service or within 90 days of the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

#### TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FCD Letter you are appealing. Indicate the relevant funding year and the date of the Funding Commitment Decision Letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery.

to the FCC. If you are submitting your appeal via United States Postal Service, send to FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Federal Communications Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not limited to that by SLD, the Applicant, or Service Provider, and that the action or inaction was not in accordance with such requirements, SLD may be required to cancel these funding commitments and seek repayment of any funds disbursed not in accordance with such requirements. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

We look forward to continuing our work with you on connecting our schools and libraries through advanced telecommunications services.

Sincerely,

Schools and Libraries Division  
Universal Service Administrative Company

Enclosures

## A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each E-rate funding request from your application. We are providing the following definitions.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

**FUNDING STATUS:** Each FRN will have one of three definitions: "Funded," "Not Funded," or "As Yet Unfunded"

1. An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both telecommunications services and internal connections, you might receive a letter with our funding commitment for your telecommunications funding requests and a message that your internal connections requests are "As Yet Unfunded." You would receive a subsequent letter(s) regarding the funding decision on your internal connections requests.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

**EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

**CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23, Column I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: This is the discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service for this funding year. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.



# FUNDING COMMITMENT REPORT

Form 471 Application Number: 327890  
Funding Request Number: 881112 Funding Status: Funded  
Services Ordered: Telecommunications Service  
SPIN: 143005231 Service Provider Name: Qwest Corporation fka US West  
Contract Number: IA-07659  
Billing Account Number: 563-588.5100  
Earliest Possible Effective Date of Discount: 07/01/2002  
Contract Expiration Date: 06/30/2005  
Annual Pre-discount Amount for Eligible Recurring Charges: \$142,853.88  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-Discount Amount: \$142,853.88  
Discount Percentage Approved by the SLD: 53%  
Funding Commitment Decision: \$75,712.56 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: The dollars requested were reduced to remove the ineligible product(s)/service(s): service from Integretel which is not a telecomm provider

Funding Request Number: 881113 Funding Status: Funded  
Services Ordered: Telecommunications Service  
SPIN: 143005231 Service Provider Name: Qwest Corporation fka US West  
Contract Number: IA-02686  
Billing Account Number: 563-588-5100  
Earliest Possible Effective Date of Discount: 07/01/2002  
Contract Expiration Date: 02/04/2004  
Annual Pre-discount Amount for Eligible Recurring Charges: \$31,647.72  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-Discount Amount: \$31,647.72  
Discount Percentage Approved by the SLD: 53%  
Funding Commitment Decision: \$16,773.29 - FRN approved as submitted

Funding Request Number: 881114 Funding Status: Funded  
Services Ordered: Telecommunications Service  
SPIN: 143005231 Service Provider Name: Qwest Corporation fka US West  
Contract Number: IA-02085  
Billing Account Number: 563-588-5148  
Earliest Possible Effective Date of Discount: 07/01/2002  
Contract Expiration Date: 10/01/2003  
Annual Pre-discount Amount for Eligible Recurring Charges: \$16,176.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-Discount Amount: \$16,176.00  
Discount Percentage Approved by the SLD: 53%  
Funding Commitment Decision: \$8,573.28 - FRN approved as submitted



Universal Service Administrative Company  
Schools & Libraries Division

---

FORM 486 NOTIFICATION LETTER  
(Funding Year 2002: 07/01/2002 - 06/30/2003)

December 3, 2003

DUBUQUE COMM SCHOOL DISTRICT  
KEVIN KELLEHER  
2300 CHANEY ROAD  
DUBUQUE, IA 52001-3095

Re: Form 486 Application Number: 243770  
Applicant's Form 486 Identifier: 486200203

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (FRN).

NEXT STEPS

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
  - applicant invoice is BEAR Form for reimbursements
  - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

NOTICE ON SERVICE START DATE

There may be some situations where one or more Service Start Dates as reflected on this letter have been changed from what you indicated on the Form 486. Such changes are made by the SLD to be in compliance with program rules. You will know that a change has been made if there is an asterisk next to the Service Start Date. If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of the discounts only on eligible, approved products and/or services actually delivered and installed on or after the Service Start Date indicated on this letter.

## TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FRN Service Start Date change or Funding Commitment adjustment you are appealing. Indicate the relevant funding year and the date of this Form 486 Notification Letter. Your letter of appeal must also include the relevant Funding Request Number(s), the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from your Form 486.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

## NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

## A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT

A report for each FRN for which you have notified us of a Service Start Date is attached to this letter. We are providing the following definitions for the items in that report.

**Funding Request Number (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

**Form 471 Application Number:** A unique identifier assigned to a Form 471 application by the SLD.

**Service Provider Name:** The name of the service provider that you identified as providing the service included in this FRN.

**Service Provider Identification Number:** The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.

**Billing Account Number:** The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

**Service Start Date:** The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

**Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT):** If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

**AVSCD:** The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

**120-DAY 486 DEADLINE:** Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

**Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT):** If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.

FORM 486 NOTIFICATION LETTER  
FUNDING COMMITMENT REPORT  
(Funding Year 2002)

Funding Request Number: 881112  
Form 471 Application Number: 327890  
Service Provider Name: Qwest Corporation fka US West Communications, Inc.  
Service Provider Identification Number: 143005231  
Billing Account Number: 563-588.5100  
Service Start Date: 05/27/2003\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$12,618.76

Funding Request Number: 881113  
Form 471 Application Number: 327890  
Service Provider Name: Qwest Corporation fka US West Communications, Inc.  
Service Provider Identification Number: 143005231  
Billing Account Number: 563-588-5100  
Service Start Date: 05/27/2003\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$2,795.55

Funding Request Number: 881114  
Form 471 Application Number: 327890  
Service Provider Name: Qwest Corporation fka US West Communications, Inc.  
Service Provider Identification Number: 143005231  
Billing Account Number: 563-588-5148  
Service Start Date: 05/27/2003\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$1,428.88

## Universal Service for Schools and Libraries

Estimated Average Burden Hours Per Response 1.5 hours

Please read instructions before completing.

(To be completed by schools, libraries, or consortia)

### BILLED ENTITY APPLICANT REIMBURSEMENT FORM

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Only one Service Provider Identification Number (SPIN) per form.

Must be completed and signed by the Billed Entity Applicant and signed by the relevant service provider.

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

**NOTICE TO INDIVIDUALS** Section 69.619 of the Federal Communications Commission's rules requires the fund administrator to review bills for services and to determine the amount of universal service support to be disbursed to service providers. All schools and libraries and consortia of these entities who have received a Funding Commitment Decisions Letter from the fund administrator and that have paid for in full the price of eligible services which are approved for discounts, and that seek reimbursement of the discounts, must file this Billed Entity Applicant Reimbursement Form. This Billed Entity Applicant Reimbursement Form informs the fund administrator of the amount of the discounts which the applicant has already paid and for which the applicant seeks reimbursement from its service provider. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this form is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC, or (b) any employee of the FCC, or (c) the United States Government, is a party in a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. If you do not provide the information requested on the form, your form may be returned without action or your form may be delayed. The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.*

Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

#### BLOCK 1: HEADER INFORMATION

1. **471 Billed Entity Applicant Name** (30 characters maximum) Dubuque Comm School District
2. **471 Billed Entity Applicant Number** (10 digits maximum) 132448
3. **Service Provider Identification Number (SPIN)** (9 digits maximum) 143005231
4. **Contact Name** (30 characters maximum) Kevin Kelleher
5. **Contact Telephone Number** (14 digits maximum) 563-588-5110
6. **Reimbursement Form Number** (assigned by Billed Entity Applicant--25 characters maximum) 4720203-132448
7. **Reimbursement Form Date to SLC** (mm/dd/yyyy) 10/20/2003
8. **Total Reimbursement Amount** (total of Block 2, Item 15 -- 14.2 digits maximum) \$ 92,186.10

## Billed Entity Applicant Reimbursement Form

For reimbursement of discounts on approved services already paid for by the Billed Entity Applicant.

Dubuque Comm

471 Billed Entity Applicant Name School District 471 Billed Entity Applicant Number 132448 Contact Name Kevin Kelleher

Contact Telephone Number 563-588-5110 Reimbursement Form Number 4720203-132448

### BLOCK 2: LINE ITEM INFORMATION PER FUNDING REQUEST NUMBER

	(9)	(10)	(11)	(12)	(13)	(14)	(15)
	FCC Form 471 Application Number (10 digits) (from Funding Commitment Decisions Letter)	Funding Request Number (FRN) (10 digits) (from Funding Commitment Decisions Letter)	Bill Frequency	Customer Billed Date (mm/yyyy)	Shipping Date to Customer or Last Day of Work Performed (mm/dd/yyyy)	Total (Undiscounted) Amount for Service (14 2 digits max )	Discount Amount Billed to SLC (14 2 digits max.)
			DO NOT WRITE IN THIS COLUMN.	For each FRN, complete either Column (12) or Column (13), but not both Columns		14 2 digits allows for dollars and cents	
1	0000327890	0000881112		07/2002		\$ 126,068.04	\$ 66,816.06
2	0000327890	0000881113		07/2002		\$ 31,188.00	\$ 16,529.64
3	0000327890	0000881114		07/2002		\$ 16,680.00	\$ 8,840.40
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
<b>TOTAL REIMBURSEMENT AMOUNT TO BE ENTERED INTO ITEM (8)</b>						\$ 92,186.10	

# BILLED ENTITY APPLICANT Reimbursement Form

471 Billed Entity Applicant Name Dubuque Comm School District

471 Billed Entity Applicant Number 132448

Contact Person Name Kevin Kelleher

Contact Telephone Number 563-588-5110

Reimbursement Form Number 4720203-132448

## Block 3: Billed Entity Applicant Certification

I certify that I am authorized to submit this Billed Entity Applicant Reimbursement Form on behalf of the eligible schools, libraries, or consortia of those entities represented on this Form, and certify to the best of my knowledge, information and belief, as follows:

- A The discount amounts listed in Column (15) of this Billed Entity Applicant Reimbursement Form represent charges for eligible services delivered to and used by eligible schools, libraries, or consortia of those entities for educational purposes, on or after the actual service start date reported on the associated Form 486.
- B The discount amounts listed in Column (15) of this Billed Entity Applicant Reimbursement Form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities.
- C The discount amounts listed in Column (15) of this Billed Entity Applicant Reimbursement Form are for eligible services approved by the fund administrator pursuant to a Form 471 Funding Commitment Decisions Letter.
- D I recognize that I may be audited pursuant to this application and will retain for five years any and all records that I rely upon to fill in this form.

16 Signature of authorized person (original ink signature required)

17. Date (required)

10/20/2003

18. Printed name of authorized person (required)

John Burgart

19 Title or position of authorized person (required)

Superintendent

20. Telephone number of authorized person (required)

563-588-5105

21. Address of authorized person (required)

2300 Chaney Road, Dubuque, IA 52001-3095



## BILLED ENTITY APPLICANT Reimbursement Form

471 Billed Entity Applicant Name Dubuque Comm School District

471 Billed Entity Applicant Number 132448

Contact Person Name Kevin Kelleher

Contact Telephone Number 563-588-5110

Reimbursement Form Number 4720203-132448

### Block 4: Service Provider Acknowledgment

I certify that I am authorized to submit this Service Provider Acknowledgment for this Billed Entity Applicant Reimbursement Form, and acknowledge to the best of my knowledge, information and belief, as follows:

- A. The service provider must remit the discount amount authorized by the fund administrator to the Billed Entity Applicant who prepared and submitted this Billed Entity Applicant Reimbursement Form as soon as possible after the fund administrator's notification to the service provider of the amount of the approved discounts on this Billed Entity Applicant Reimbursement Form, but in no event later than 10 calendar days after receipt of the reimbursement payment from the fund administrator, subject to the restriction set forth in B. below
- B. The service provider must remit payment of the approved discount amount to the Billed Entity Applicant prior to tendering or making use of the payment issued by the Universal Service Administrative Company to the service provider of the approved discounts for the Billed Entity Applicant Reimbursement Form.

22. Signature of authorized person (fax, copy or original signature)

23. Date (required)

24. Printed name of authorized person (required)

25. Title or position of authorized person (required)

26. Telephone number of authorized person (required)

27. Address of authorized person (required)

Page 4 of 4 pages

FCC Form 472 - October 1998

A paper copy of this Form (pages 1-4) should mailed to:

SLC-BEAR Form  
P. O. Box 7026  
Lawrence, KS 66044-7026

If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form (pages 1-4) should be mailed to:

SLC-BEAR Form  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, KS 66046

Contact Name **KEVIN KELLEHER**

Contact Telephone Number **563-588-5110**

Page **1** of **2** (Total Grid Pages)

## Schools and Libraries Universal Service Program Form 471 Pre-Discount Cost Calculation Optional Grid

Please read instructions before completing

(To be completed by Schools, Libraries, or Consortia)

### Block A: General Information

<b>1 Name of Applicant</b> Dubuque Comm School District	<b>2 Universal Service Control Number (from 470 Application)</b> usc #303060000157554
<b>3a SLC Service Provider Number (SPIN) if known, and Full Legal Name of your Service Provider</b> Qwest Communications, Spin 143005231	<b>3b Contract or Tariff Number (If Applicable -- from Item 15-16)</b>
<b>4 Shared Services:</b> Telecommunications Services <input checked="" type="checkbox"/> Internal Connections <input type="checkbox"/> Internet Access <input type="checkbox"/>	<b>Site Specific Services:</b> Internal Connections <input type="checkbox"/> Dedicated Services <input type="checkbox"/>
<b>5 Average Discount Rate for Entities Receiving Services Listed Below in Block B</b> (Per Column 11 of Items 15 or 16) <span style="float: right;">53%</span>	

### Block B: Services Ordered Information

6 Services & Products Ordered Details													
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Account Information	Service Description	Quantity	One-Time Charges	One-Time Taxes and Surcharges	Unit Monthly Charges	Unit Monthly Taxes and Surcharges	Number of Months	Annual Amount of Monthly Charges	% Eligible Services and/or % Eligible Uses	% of Service/Product Used w/ Eligible Entities	Estimated Eligible Pre-Discount One-Time Charges	Total Annual Amount of Estimated Eligible Pre-Discount Monthly Charges	Estimated Eligible Pre-Discount Total Charges
a 319-588-5100	Local Phone Service	1	\$ -		8080 55	2425.12	12	126068 04	100%	100%	\$ -	126068 04	126068 04
b D27-0145 611	T-1 DATA LINK	1			340		6	2040 00	100%	100%	\$ -	2040 00	2040 00
c D27-0187 483	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
d D27-0189 485	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
e D27-0190 486	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
f D27-0201 216	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
g D27-0203 217	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
h D27-0205 218	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00
i D27-0208 220	T-1 DATA LINK	1			117		12	1404 00	100%	100%	\$ -	1404 00	1404 00

7. Total		22			12239.55	2425 12	258	173936 04		\$	-	173936 04	
v D27-0065 486 DS3 DATA LINK		1			1390		12	16680 00	100%	\$	-	16680 00	
u D27-8546 219 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
t D27-4315 356 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
s D27-4291 364 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
r D27-4273 363 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
q D27-4269 362 T-1 DATA LINK		1			323		12	3876 00	100%	\$	-	3876 00	
p D27-4268 361 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
o D27-4248 360 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
n D27-4159 358 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
m D27-4152 357 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
l D27-4003 355 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
k D27-0251 359 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	
j D27-0251 359 T-1 DATA LINK		1			117		12	1404 00	100%	\$	-	1404 00	

Attach this grid to your Form 471 application to support Block 5, Items 15 & 16 Columns 8-10 and Item 17.



Universal Service Administrative Company  
Schools & Libraries Division

---

**Administrator's Decision on Appeal - Funding Year 2002-2003**

April 13, 2004

Kevin Kelleher  
Dubuque Community Schools  
2300 Chaney Road  
Dubuque, IA 52001

Re:      Billed Entity Number:            132448  
            471 Application Number:        327890  
            Funding Request Number(s):    881112, 881113, 881114  
            Your Correspondence Dated:    December 16, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number:            881112, 881113, 881114  
Decision on Appeal:                **Denied in full**  
Explanation:

- On appeal, you seek reversal of the SLD's decision to adjust the Service Start Dates for failure to file your Form 486 within the 120-day deadline. In your appeal letter, you admit that the school district failed to submit a Year 2002 Form 486 in time to meet the deadline. However, you explain, the person who was supposed to file the Form 486 failed to file it before he left his position and when you took over the former employee's position, you did not notice the Year 2002 Form 486 was not submitted until you had completed the Year 2003 Form 486 process. Consequently, you request that Dubuque Community Schools be approved for the amount indicated on the BEAR Form (\$92,186.10), instead of the adjusted funding commitment amount indicated on the Form 486 Notification Letter (\$16,843.19).
- After thorough review and investigation of all relevant facts, the SLD determines that you should have filed the Form 486 for these funding requests within 120-

days, calculated from the issuance date of their Funding Commitment Decision Letter or the Service Start Date as indicated on the Form 486, whichever is later. Although you state in your appeal that the person in charge of filing the Year 2002 Form 486 did not file it, such assertion do not constitute waiver of the Form 486 filing deadline. It is the responsibility of the applicant to ensure that all forms are submitted to SLD in a timely and correct manner. Further, FCC rules do not allow SLD to waive the Form 486 120-day deadline. Therefore, the appeal is denied.

- Your Form 486 must have been received or postmarked no later than 120 days after the date of your Funding Commitment Decision Letter or no later than 120 days after the Service Start Date reported on your Form 486, whichever is later. The date of your Funding Commitment Decision Letter for FCC Form 471 # 327890 was April 24, 2002. The Service Start Date reported on your FCC Form 486 was July 1, 2002. The postmark date of your FCC Form 486 was September 24, 2003. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your Funding Commitment Decision Letter, whichever is later, the SLD revised your Service Start Date to the date 120 days before your FCC Form 486 postmark date and reduced your funding commitment amount based on the revised Service Start Date.
- FCC rules provide that FCC Form 486 certifications must be provided to the Administrator in accordance with existing program guidelines established by the Administrator. See 47 C.F.R. § 54.520(g). Existing program guidelines are explained in the Funding Commitment Decision letter. Your Funding Year 2002 Funding Commitment Decision letter notified you that the "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If the Form 486 is postmarked after the later of those two dates, the date 120 days before the Form 486 postmark date will become the start date for discounted services." See Funding Commitment Decision Letter (Funding Year 2002: 07/01/2002 – 06/30/2003), page 2. Since your FCC Form 486 was postmarked more than 120 days after the Service Start Date you indicated on your FCC Form 486, the SLD has modified your service start date.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company